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| 09/892,468 | 09/20/2001 | Charles H. Vance | BS01-085 | 3320 |
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| WITHERS & KEYS FOR BELL SOUTH P. O. BOX 71355 MARIETTA, GA 30007-1355 | | | TO, JENNIFER N | |
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2127

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,468

Applicant(s)

VANCE ET AL.

Examiner

Jennifer N. To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/28/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 are pending for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter in which the applicant regards as his invention.

3. Claims 1-8, 11-14 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedent basis:
 - i. the program initiative delivery process document – claim 11.
- b. The claim language in the following claims is not clearly understood:
 - ii. as per claim 1, lines 3-5, it is uncertain what “and including” mean. (i.e. the list of the plurality of program initiatives including identification information or the management tool including identification information).
 - iii. as per claims 5, and 6, it is uncertain whether “the manner” refers to “the manner to differentiate a status of the corresponding task” in claim 1, line 8. (i.e. if they are the same, then such should be indicated by use of the word -- said --).
 - iv. as per claim 23, the use of the phrase “if any”, renders claim 23 unclear as to the scope of the claim language. It is uncertain whether “target completion dates”, and “jeopardizes” exist in the invention or not?

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 9-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory matter.

6. Claims 9-15 are directed to method steps in which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, listing, storing, indicating, entering and a jeopardy for each task, and creating can be practiced mentally in conjunction with pen and paper that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The claims should be amended to indicate a computer implements the subject matter. (i.e. a computer implemented method).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3, 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Saito (U.S. Patent No. 6578006).

9. As per claim 1, Breslin teaches the invention substantially as claimed including:

a listing of the plurality of program initiatives including identification information related to the program initiatives and a list of tasks that can be performed for each program initiative (col. 9, lines 10-26, and fig. 4); and for each task to be performed for a particular program initiative, a target date of completion for the particular program initiative, wherein the target date is entered in a manner to differentiate a status of the corresponding task (col. 19, lines 26-37, fig. 4); and

a list of business functionalities entered in a differentiate manner (col. 16, lines 1-7), a list of activities corresponding to the business functionalities, the activities corresponding to task or subtasks in the program initiative management tool (col. 16, lines 30-33), and an indication of business functionalities that are used as resources for activities (col. 16, lines 26-30).

10. Breslin does not teach a relational database for storing information related to activities, resources and flags that describe the entries in the program initiative delivery process document.

11. However, Saito teaches a relational database for storing information related to activities, resources and flags that describe the entries in the program initiative delivery process document (col. 4, lines 15-22).

12. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin and Saito because Saito's relational database would improve the efficiency in Breslin's system by storing information in a relational format so as to provide an easy access to all files and data element within the system (Breslin, col. 5, lines 58-59).

13. As per claim 3, Breslin further teaches the plurality of program initiatives is listed in priority order (col. 11, lines 19-30).

14. As per claims 5, and 6, Breslin and Saito do not specifically teach using color and text to indicate the task. However it would have been obvious to one of an ordinary skill in the art at the time the invention was made to use different color and text in Breslin and Saito's system because using different colors and text formats would make it easy to trace the changes in status.

15. As per claim 7, Saito further teaches the relational database is a web server having a web browser graphical user interface front end (col. 3, lines 56-61, and col. 4, lines 15-22).

16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Saito (U.S. Patent No. 6578006), as applied to claim 1 above, and further in view of Pyron ("Using Microsoft Project 98", 1997).

17. As per claim 4, Breslin and Saito teach the invention substantially as claimed in claim 1. However, they do not specifically teach using of the combination rows/columns to enter, store, and/or display information.

18. Pyron teaches the step of using the combination rows/columns to enter, store, and/or display information (page 748, lines 9-14, page 902, lines 19-23, and page 943, fig. C.16).

19. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin, Saito and Pyron because Pyron's rows/columns would improve the throughput of Breslin and Saito's system by providing an easy way to track all project information using matrix form for displaying data (Pyron, page 943, line 10).

20. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Saito (U.S. Patent No. 6578006) as applied to claim 1 above, further in view of Pyron ("Using Microsoft Project 98", 1997), and further in view of Mahapatro (U.S. Patent No. 6571215).

21. As per claim 2, Breslin and Saito teach the invention substantially as claimed in claim 1. In addition, Pyron teaches using of the combination rows/columns to enter, store, and/or display the plurality of the program initiatives, additional information for each of the program initiatives, task to be performed for the program initiatives with task heading, subtask to be performed for each task with subtask heading, and target completion day for each program initiatives in a table format (page 748, lines 9-14, page 902, lines 19-23, and page 943, fig. C.16).

22. However, Breslin, Saito, Pyron do not specifically teach the step for entering the jeopardy for each task when resource or input is not available when required. Mahapatro, on the other hand, teaches the step of entering jeopardy for each task when resource or input is not available when required (col. 15, lines 54-62).

23. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin, Saito, Pyron and Mahapatro because Mahapatro's step of entering jeopardy would improve the integrity

of Breslin, Saito, Pyron's system by entering jeopardy to each task that have no resource or input available when required to eliminate idle time for Breslin, Saito, and Pyron's system (Mahapatro, abstract lines 20-21).

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Saito (U.S. Patent No. 6578006), and further in view of Mahapatro (U.S. Patent No. 6571215).

25. As per claim 8, Breslin and Saito teach the invention substantially as claimed in claim 1. However, they do not specifically teach to identify the tasks that had not having target completion dates.

26. Mahapatro teaches that tasks not having target completion dates are identified (col. 14, lines 34-36).

27. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin, Saito, and Mahapatro because Mahapatro's identified step would improve the integrity of Breslin and Saito's system by pointing out tasks that have not having target completion dates to avoid the generation of a flat schedule (Mahapatro col. 3, lines 8-11).

28. Claims 9-10, 12-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Mahapatro (U.S. Patent No. 6571215).

29. As per claim 9, Breslin teaches the invention substantially as claimed including the step of:

listing the plurality of program initiatives along with identification information related to the program initiatives (col. 19, lines 10-26, fig. 4) and tasks that can be performed for each program initiative in a priority order (col. 11, lines 19-30); and

entering a target completion date for each task to be performed in each program initiative in a manner to indicate a status of the corresponding task (col. 19, lines 26-37, fig. 4).

30. However, Breslin does not specifically teach the step of entering a jeopardy for each task for which a resource or an input is not available when required.

31. Mahapatro teaches entering jeopardy for each task for which a resource or an input is not available when required (col. 15, lines 57-62).

32. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin, and Mahapatro because

Mahapatro's step of entering jeopardy would improve the integrity of Breslin's system by entering jeopardy to each task that have no resource or input available when required to eliminate idle time for Breslin's system (Mahapatro, abstract lines 20-21).

33. As per claim 10, Breslin further teaches entering a list of business functionalities in a differentiated manner (col. 16, lines 1-7, fig. 4); providing a list of activities corresponding to the business functionalities, the activities corresponding to task or subtask in the program initiative management tool (col. 16, lines 30-33); and providing an indication of business functionalities that are used as resources for activities (col. 16, lines 26-30).

34. As per claim 12, and 13 Breslin and Mahapatro do not teach the step of using different color and text to indicate the status of each task. However it would have been obvious to one of an ordinary skill in the art at the time the invention was made to use different color and text in Breslin and Mahapatro's system because using different colors and text formats would make it easy to trace the changes in status.

35. As per claim 15, Mahapatro further teaches identified tasks not having target completion dates (col. 14, lines 34-36).

36. Claims 11, 14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Mahapatro (U.S. Patent

No. 6571215) as applied to claim 9 above, and further in view of Saito (U.S. Patent No. 6578006).

37. As per claim 11, Breslin and Mahapatro teach the invention substantially as claimed in claim 9. However, Breslin and Mahapatro do not specifically teach creating a relational database for storing information related to activities, resources and flags that describe the entries in the program initiative delivery process document.

38. Saito teaches a relational database for storing information related to activities, resources and flags that describe the entries in the program initiative delivery process document (col. 4, lines 15-22).

39. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin, Mahapatro and Saito because Saito's relational database would improve the efficiency in Breslin and Mahapatro's system by storing information in a relational format so as to provide an easy access to all files and data element within the system (Breslin, col. 5, lines 58-59).

40. As per claim 14, Saito further teaches the step of creating the relational database-using server executing a web browser graphical user interface front end (col. 3, lines 56-61, and col. 4, lines 15-22).

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41. As per claim 16, Breslin, Mahapatro and Saito teach:

a program initiative management tool, showing the plurality of program initiatives in a prioritized list (Breslin col. 11, lines 19-30), and for each program initiative, showing a target completion date for each task associated with each program initiative (Breslin col. 19, lines 26-37, fig. 4) and a jeopardy for each task for which a resource or an input is not available when required, wherein the jeopardy is shown in a manner to differentiate it for a target completion date (Mahapatro col. 15, lines 54-62);

a program initiative delivery process document that provides a template for generating new program initiatives (Breslin col. 14, lines 53-61), the program initiative delivery document including a list of business functionalities (Breslin col. 16, lines 1-7) and functional units corresponding thereto (Breslin col. 16, lines 30-32) and for each functional unit an indication of which activity the functional unit performs or which activities, if any, the functional unit serves as a resource (Breslin col. 16, lines 26-30);

a relational database for storing activities that can be performed by the functional units, and associated resources, inputs and outputs (Saito col. 4, lines 15-22).

42. As per claims 17-19, Breslin, Mahapatro, and Saito do not teach the step of using different color and text to indicate the status of each task. However it would have been obvious to one of an ordinary skill in the art at the time the invention was made to use

different color and text in Breslin, Mahapatro, and Saito's system because using different colors and text formats would make it easy to trace the changes in status.

43. As per claim 20, Breslin further teaches the program initiative management tool comprises a spreadsheet (col. 15, lines 64-67).

44. As per claim 21, Saito further teaches the relational database comprises a web server and web browser graphical user interface front end (col. 3, lines 56-61, and col. 4, lines 15-22).

45. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslin (U.S. Patent No. 5321610) in view of Mahapatro (U.S. Patent No. 6571215), and further in view of Pyron ("Using Microsoft Project 98", 1997).

46. As per claim 22, Breslin teaches the invention substantially as claimed including means for listing the program initiatives according to a pre-determined priority (co. 11, lines 19-30); means for assigning tasks and subtasks required to complete each program initiative (col. 16, lines 30-33); and means for entering a target completion date for each task in a manner to indicate a status of the task (col. 19, lines 26-37, fig. 4).

47. Breslin does not specifically teach means for assigning jeopardizes to tasks that do not have a required resource or input available when needed; mean for showing the

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jeopardizes in a manner to indicate which subtask of a task caused the jeopardy; and means for indicating those tasks that are not required for any one or more of the plurality of the program initiatives.

48. Mahapatro teaches means for assigning jeopardizes to tasks that do not have a required resource or input available when needed (col. 15, lines 57-62); and means for indicating those tasks that are not required for any one or more of the plurality of the program initiatives (col. 14, lines 34-36).

49. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin and Mahapatro because Mahapatro's system identified a step would improve the decision making in Breslin's system by entering jeopardy for each task that have no resource or input available when required so that an overload resource is identified and adjustments are made for each task causing the overload to reduce the resource usage to normal level (Mahapatro, col. 2, lines 59-65).

50. However, Breslin and Mahapatro do not teach mean for showing the jeopardizes in a manner to indicate which subtask of a task caused the jeopardy.

51. Pryron teaches that mean for showing the jeopardizes in a manner to indicate which subtask of a task caused the jeopardy (page 202, lines 25-37, page 203, line 1).

52. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to have combined the teaching of Breslin, Mahapatro, and Pyron because Pyron's step of showing the jeopardy in a manner to indicate which subtask of the task caused the jeopardy would improve the decision making in Breslin and Mahapatro's system by providing a central point to track all project information (Pyron, page 943, line 10).

53. As per claim 23, Pyron further teaches means for showing the target completion dates and jeopardizes on a spreadsheet (page 209, fig. 6.31).

54. As per claim 24, Breslin, Mahapatro and Pyron do not specifically teach using color and text to indicate the task. However it would have been obvious to one of an ordinary skill in the art at the time the invention was made to use different color and text in Breslin, Mahapatro, and Pyron's system because using different colors and text formats would make it easy to trace the changes in status.

55. As per claim 25, Breslin further teaches that means for providing additional information regarding activities associated with the tasks and/or subtasks (col. 16, lines 30-33).

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56. As per claim 26, Breslin further teaches that means for providing additional information regarding resources associated with the activities (col. 16, lines 26-30).

57. As per claim 27, Breslin further teaches that means for providing additional information regarding inputs and outputs associated with the activities (col. 16, lines 29-53).

58. As per claim 28, Breslin further teaches that means for providing a template for generating a program initiative (col. 14, lines 53-61).

Conclusion


59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 7AM- 4:30 PM, F 7AM- 3:30 PM.

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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61. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer N To
Examiner
Art Unit 2127


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SUPERVISORY PATENT EXAMINER
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